

RESOLUTION NO. ZR-2019- 022

RESOLUTION RESCINDING RESOLUTION ZR-2019-018  
(CONTROL NUMBER 2000-00020)  
CYPRESS LAKES PRESERVE MUPD

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067, Supplement 25, is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, Zoning Application ZV/DOA-2018-01003 was presented to the Zoning Commission at a public hearing on June 6, 2019;

WHEREAS, Resolution ZR-2019-018 approving a Concurrent Type 2 Variance Application was adopted by the Zoning Commission on June 6, 2019;

WHEREAS, in accordance with ULDC Art. 2.B.7.E.3, Type 2 Variance Applications, the subject Variance included in Application ZV/DOA-2018-01003 was submitted concurrently with a request for a Development Order Amendment subject to Board of County Commission (BCC) approval;

WHEREAS, prior to the June 27, 2019 BCC Zoning Hearing, the Agent determined that compliance with a Condition of Approval could not be attained, and the BCC approved a request to remand the Application back to the Development Review Officer (DRO);

WHEREAS, the concurrent Type 2 Variance approved by ZR-2019-018 was tied to ZV/DOA-2018-01003;

WHEREAS, Resolution ZR-2019-018 is no longer valid, pursuant to the remand and subsequent amendment of ZV/DOA-2018-01003, to include a new concurrent Type 2 Variance request;

WHEREAS, the Zoning Director presented the Resolution rescinding the Development Order to the Zoning Commission on August 1, 2019; and

WHEREAS, ULDC Article 2.B.6.C, Board Action requires that action of the Zoning Commission be adopted by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Resolution ZR-2019-018, approving Zoning Application ZV/DOA-2018-01003, the application of PS Florida One, Inc., by Keith and Associates, Inc., Saul Ewing Arnstein & Leher LLP, Agent, for a Type 2 Variance to reduce a Right of Way (R-O-W) Buffer width; eliminate foundation planting; and, increase the utility easement overlap in a R-O-W Buffer, is hereby rescinded.

Commissioner Caliendo moved for the approval of the Resolution.

The motion was seconded by Commissioner Kern and, upon being put to a vote, the vote was as follows:

Sheri Scarborough, Chair	- Yes
Sam Caliendo, Vice Chair	- Yes
Amir Kanel	- Yes
Philip Barlage	- Yes
John Kern	- Yes
Marcelle Griffith Burke	- Yes
Alex Brumfield III	- Yes
Mark Beatty	- Yes
Robert Currie	- Yes

The Chair thereupon declared that the resolution was duly passed and adopted on August 1, 2019.

This resolution is effective when filed with the Palm Beach County Zoning Division on August 1, 2019.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

BY:   
COUNTY ATTORNEY

BY:   
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

ALL OF CYPRESS LAKES PRESERVE MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 100, AT PAGE 167 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

NON-EXCLUSIVE EASEMENT FOR SANITARY SEWER UTILITY PURPOSES FOR THE BENEFIT OF PARCEL 1 CREATED BY AND MORE PARTICULARLY DESCRIBED IN THE LIFT STATION AND SANITARY SEWER EASEMENT AGREEMENT RECORDED IN O.R. BOOK 13235 PAGE 990 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3:

NON-EXCLUSIVE EASEMENT FOR DRAINAGE PURPOSES FOR THE BENEFIT OF PARCEL 1 CREATED BY AND MORE PARTICULARLY DESCRIBED IN THE DRAINAGE AND FLOWAGE EASEMENT AND LAKE MAINTENANCE AGREEMENT RECORDED IN O. R. BOOK 13235, AT PAGE 10161 AS AMENDED BY THE CORRECTIVE DRAINAGE AND FLOWAGE EASEMENT AND LAKE MAINTENANCE AGREEMENT RECORDED IN O.R. BOOK 15135 PAGE 833, AS AMENDED BY THE SECOND CORRECTIVE DRAINAGE AND FLOWAGE EASEMENT AND LAKE MAINTENANCE AGREEMENT RECORDED IN O.R. BOOK 15548 PAGE 1045 ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4:

NON-EXCLUSIVE EASEMENT FOR THE RIGHT OF WAY OF PEDESTRIANS AND VEHICULAR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 CREATED BY AND MORE PARTICULARLY DESCRIBED IN THE CROSS ACCESS EASEMENT RECORDED IN O.R. BOOK 16025 PAGE 109, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING IN UNINCORPORATED PALM BEACH COUNTY, FLORIDA AND CONTAINING 252,930 SQUARE FEET OR 5.806 ACRES, MORE OR LESS.